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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,579	12/21/2000	Jani Pirkola	617-009969-US(PAR)	2029

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

11

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,579

Applicant(s)

PIRKOLA ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6, 9, 11-15, 17 and 19-21 is/are rejected.
7) ☒ Claim(s) 7-8, 10, 16, 18 and 22-23 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 3-19-04 have been fully considered but they are not persuasive:

1. Having further reviewed the application and arguments, **the examiner now objects to the following claims: 7-8, 10, 16, 18 and 22-23.** The rejection reflecting this is shown below.

2. The applicant has chosen not to amend their claims with objectable material as pointed out by the examiner. In doing so, a more favorable outcome may occur.

3. The applicant argues that the prior art does not teach claim 1. The examiner disagrees since Moon teaches a touch screen and a "cursor button" in figure 4 which, as known to Microsoft users, invokes control of a cursor icon. Further adding Gerpheide's touch sensitive surface is used to move an indicator/cursor across a display and Miyasato's prediction capability to skip to a predicted area teaches a combination that reads on the applicant's claim. This combination is appropriate (and motivation exists) since all three pieces of art are from the same field of endeavor and solve similar problems as that of the applicant – the examiner's motivation statement that "one skilled would provide for touch movement between active regions would allow ease of use since a cursor quickly moves to a predicted area" explains why one would combine.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 11-15 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al. US 6,433,801 and further in view of Gerpheide US 6,473,069 and Miyasato JP403048922 (hereafter Moon, Gerheide and Miyasato).

As per **claims 1 and 14**, Moon teaches a handheld communication device (abstract) comprising;

A display (figure 1, #30), said display in use have a plurality of different active regions, at least one function being selectable via each active region (see figures 3-13; and

A touch sensitive region (abstract teaches touch screen)

But is silent on said touch sensitive region being arranged so that movement with respect to the touch sensitive region causes an indicator to move across said display

Wherein said indicator is arranged to move only from one active region to another.

The examiner notes that Moon does teach a "cursor button" that would activate a cursor to appear on the screen for movement by either finger or mouse (figure 4, bottom right hand corner next to "mouse" icon).

Gerpheide teaches a touch sensitive surface (abstract) that is used to move an indicator/cursor across a display (figures 6a-6b and C1, L5-12).

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on moving only from one active region to another).

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With further regard to claim 14, Moon teaches a Windows-based system that allows a user to select various functions when a selection step is performed (C5, L27-41).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the cursor is moved by touch and only between active regions, to provide ease of use for the user to the system will predict where they are trying to move the cursor and quickly move it there.

As per **claims 2-3**, Moon teaches claim 1 wherein said touch sensitive region is arranged to detect movement of a user's finger/tool across the touch sensitive region (C6, L39-44).

As per **claims 4-5**, Moon teaches claim 1 wherein said touch sensitive region comprises a surface (figure 1, #30 and/or figures 3-13).

As per **claim 6**, Moon teaches claim 1 wherein said touch sensitive region comprises a rolling means (C1, L26-32 teaches a computer with mouse – as is known in the art, a laptop mouse can be a “trackball” controller which reads on rolling means. The trackball can move the cursor in any direction).

As per **claim 11**, Moon teaches claim 1 wherein said touch sensitive region is provided in conjunction with said display to provide a touch sensitive display (abstract teaches “touch screen display” and figures 1-13).

As per **claim 12**, Moon teaches claim 1 wherein said indicator is a cursor (page 6, L39-44).

As per **claim 13**, Moon teaches claim 1 wherein said device is a mobile phone (abstract).

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As per **claims 15**, Moon teaches claim 1 **but is silent on** wherein a movement of the indicator in a direction of one of the active regions causes the indicator to automatically position itself within that active region.

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on automatic position within that active region).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the indicator is automatically moved based on direction, to provide ease of use to the user by predicting where the cursor is moving and quickly moving it there.

As per **claim 20**, Moon teaches claim 14 **but is silent on** wherein the step of controlling further comprises moving the indicator in a direction of one active region on the display and wherein the indicator is automatically moved to the active region.

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on automatic position within that active region).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the cursor moves to an active region based on direction, to provide ease of use to the user by predicting where the indicator is moving and quickly moving the cursor there.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Moon, Gerpheide and Miyasato and further in view of Frazer GB2299302 (hereafter Frazer).

As per **claims 9-10**, Moon teaches claim 1 **but is silent on** wherein said touch sensitive region is arranged on a first side of the device and said display is arranged on a second side.

Frazer teaches an electronic device with touch sensitive screen that faces the opposite way from the display screen (abstract and figures 1-2 and page 3, L8-21).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the touch region and display are on different sides, to provide ease of use to the user.

Claims 17, 19 and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Moon, Gerpheide, Miyasato and further in view of Robertson et al. US 5,598,183 (hereafter Robertson).

As per **claim 17**, Moon teaches claim 1 **but is silent on** wherein the indicator is initially displayed over one of the active regions of the display and can only be moved to another active region of the display.

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on automatic position within that active region).

Robertson teaches control of a computer cursor whereby the cursor is automatically positioned (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the indicator only moves to active regions, to provide ease of use to the user by predicting where the cursor can move.

As per **claims 19 and 21**, Moon teaches claim 1 **but is silent on** wherein the display is adapted to only associate the indicator with one of the active regions on the display and not any position on the display therebetween.

Miyasato teaches predicting where a cursor is moving and skipping to an icon in the predicted area (which reads on automatic position within that active region).

Robertson teaches control of a computer cursor whereby the cursor is automatically positioned (abstract).

Since Robertson brings the cursor up on a selectable function AND Miyasato moves the cursor to only selectable ICONs, this reads on the claim since the cursor will not navigate anywhere else on the display.

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It would have been obvious to one skilled in the art at the time of the invention to modify Moon, such that the cursor only moves to/from active regions, to provide ease of use to the user by predicting where the cursor can move and moving it there quickly.

Allowable Subject Matter

Claims 7-8, 10, 16, 18 22-23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art cited does not disclose the claim limitations as taught by the above dependent claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMD
3-31-04



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